

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

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|---------------------|---|------------------------------|
| REGINALD ARRINGTON, |) | CASE NO. 1:10 CV 1582 |
| |) | |
| Petitioner, |) | JUDGE KATHLEEN M. O'MALLEY |
| |) | |
| v. |) | |
| |) | <u>MEMORANDUM OF OPINION</u> |
| STATE OF OHIO, |) | <u>AND ORDER</u> |
| |) | |
| Respondent. |) | |

On July 16, 2010, petitioner *pro se* Reginald Arrington, an inmate at the Belmont Correctional Institution, filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. The petition challenges Arrington's convictions, pursuant to a March 5, 2010 jury verdict, of failure to comply with an order or signal of a police officer, possession of drugs, and unauthorized use of a motor vehicle. For the reasons stated below, the petition is denied and this action is dismissed.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b)(1)(A).

Arrington raises four grounds for relief. It is evident

on the face of the petition that he has yet to appeal his convictions, an avenue still available to him under Ohio Appellate Rule 5. Thus, regardless of the potential merits of his claims, on which this court expresses no opinion, Arrington's petition is obviously premature.

Accordingly, this action is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

S/ Kathleen M. O'Malley
KATHLEEN M. O'MALLEY
UNITED STATES DISTRICT JUDGE

DATED: September 28, 2010